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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 TRAVELERS CASUALTY AND
10 SURETY COMPANY OF AMERICA,

11 Plaintiff,

12 vs.

13 WILLIAMS BROTHER, INC., et al.,

14
15 Defendants.

16 Case No.: 2:12-cv-00058-LDG -RJJ

17 **ORDER**

18 On October 23, 2012, plaintiff Travelers Casualty and Surety Company of America
19 filed an emergency motion to compel (#141) seeking access to particular business records of
20 Defendants Williams Brother, Inc. (“WBI”) and Peek Construction Company (“PCC”) under
21 the Court’s Order dated February 17, 2012 (#32). Defendants WBI and PCC filed a response
22 agreeing to produce the records sought by Travelers (#145), and Travelers filed a reply in
23 support of the emergency motion (#148). The Court having considered the Emergency
24 Motion, the Response, the Reply, and the statements of counsel at the November 8, 2012,
25 hearing on the Emergency Motion, and good cause appearing,

26 The Court hereby grants Travelers’ Emergency Motion and orders as follows:

27 (1) On Friday, November 9, 2012 (and continuing thereafter until completed), WBI
28 and PCC shall provide Travelers and Travelers’ forensic data consultant access to their
 servers and other electronic storage devices utilized for storage of the business data and
 electronic business records of these Defendants for comprehensive, secure (full forensic)
 imaging.

1 (2) On Monday, November 12, 2012, at 3:00 p.m., WBI and PCC shall provide
2 possession to Travelers of all paper accounts payable and job cost records for their projects.

3 (3) WBI and PCC, and their employees, officers, agents, and attorneys, shall provide
4 possession to Travelers of the entire paper and electronic files in their custody or control
5 relating to any and all projects bonded by Travelers for WBI or PCC, in furtherance of this
6 Court's February 17, 2012, order (#32) and in furtherance of this Court's August 30, 2012,
7 order (#119).

8 (4) There shall be no waiver of the attorney client or work product privileges by any
9 Defendant from the inadvertent disclosure of privileged materials that occurs pursuant to the
10 production of books and records required by the order. No inadvertently disclosed privileged
11 document will be used by Travelers for any purpose without first obtaining order of this
12 Court or other competent tribunal regarding its privileged nature or permitting its use.

13 IT IS SO ORDERED.

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15 Dated this 9th day of November, 2012.

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19 Robert J. Johnston
20 United States Magistrate Judge

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